

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 LORI LYNN GRAFF,

12 Plaintiff,

13 vs.

14 MICHAEL J. ASTRUE,
15 Commissioner of Social Security,

16 Defendant.

Civil No. 3:10-CV-05512-JRC

ORDER OF REMAND

17 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local
18 Magistrate Judges' Rule MJR 13. (See also Notice of Initial Assignment to a U.S. Magistrate
19 Judge and Consent Form, ECF No. 3; Consent to Proceed Before a United States Magistrate
20 Judge, ECF No. 7.) This matter is before this Court on parties' Stipulated Motion for Remand.
21 (See ECF No. 16.)

22 Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision
23 in regard to Plaintiff's application for disability insurance benefits under Title II of the Social
Security Act be REVERSED and REMANDED to the Commissioner of Social Security for

1 further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand,
2 the Administrative Law Judge will conduct a de novo hearing, re-evaluate Plaintiff's mental
3 impairments, and give legally sufficient reasons for rejecting any medical source opinions.
4

5 This Court hereby reverses the Commissioner's decision under sentence four of 42
6 U.S.C. §405(g) with a remand of the cause to the Commissioner for further proceedings. *See*
7 *Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

8 Upon proper presentation to this Court, Plaintiff will be entitled to reasonable attorney
9 fees and costs pursuant to 28 U.S.C. §§ 1920, 2412(d).

10 DATED this 16th day of December 2010.

11 
12

13 J. Richard Creatura
United States Magistrate Judge
14
15
16
17
18
19
20
21
22
23
~